

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

KATHRYN MARSHALL, et. al.,
Plaintiffs

vs

OHIO DEPARTMENT
OF EDUCATION, et. al.,
Defendants

Case No. C-1-02-189
(Weber, J.)
(Hogan, M.J.)

ORDER

This matter is before the Court on Plaintiffs' Motion for Enlargement of Time to File Response to Summary Judgment (Doc. 109) and Defendants' Memorandum in Opposition to Plaintiffs' Motion for Enlargement of Time to File Response to Summary Judgment Motion (Doc. 110).

Plaintiffs request an extension of time up to and including August 20, 2006 in which to file their memorandum in opposition to Defendants' Motion for Summary Judgment. Plaintiffs cite to Plaintiff Vena Marshall's recent hospitalization from April 17, 2006 until May 21, 2006 as the basis for such request. According to counsel for Plaintiffs, he has been unable "to obtain the necessary input and support from any of the family members necessary to complete the response." Plaintiffs contend that such support cannot be obtained "prior to a reasonable time after the substitution of the parents of Vena Marshall as party plaintiffs¹."

¹ Plaintiff Vena Marshall's parents have been appointed temporary emergency guardians of her person and estate by Probate Court of Scioto County, Ohio (Doc. 108, Motion to Substitute Sandy Marshall and Eddie Marshall, Guardians of Plaintiff, Vena Marshall, as Party Plaintiffs, Attachments 1-3).

Defendants oppose Plaintiffs' request, noting that discovery was completed December 31, 2005 and no additional discovery has been sought by Plaintiffs such that counsel should be in a position to respond to Defendants' motion. We agree. We find no reason, and Plaintiffs have provided the Court with none, that Plaintiffs' counsel should not be prepared to file a memorandum in response to Defendants' motion. We do not find Plaintiffs input to be necessary in order for counsel to formulate a responsive memorandum. Counsel has all the "input" he should require, namely the evidentiary material of record. For this reason, Plaintiffs' Motion for Enlargement of Time to File Response to Summary Judgment (Doc. 109) is DENIED. Plaintiffs shall file their Memorandum in Opposition to Defendants' Motion for Summary Judgment within fifteen (15) days from the date of this order.

SO ORDERED.

6/5/2006
Date _____

s/Timothy S. Hogan

Timothy S. Hogan
United States Magistrate Judge